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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002797

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SUBJECT: IRAQI ELECTION LAW UPDATE OCTOBER 18, 2009

REF: BAGHDAD 2794

Classified By: Political Minister Counselor Gary A. Grappo for Reasons  
1.4(b) and (d).

¶1. (C) SUMMARY. On October 18, the Council Of Representatives (COR) postponed by a day consideration of a draft election law. On the margins of a pro-forma plenary session, committee chairs and bloc leaders continued the frenzy of informal meetings that may result in a draft law in time for a reading and a vote on October 19. We have heard reports that the Legal Committee plans to present a draft amendment to the 2005 election law that would include multiple options to be voted on by all members of the COR. MPs continue to tell us that the law must be passed by the 19th, but doubts linger over the question of Kirkuk. END SUMMARY.

State of Play  
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¶2. (C) The election law was not formally discussed at the October 18 COR session, which never reached a quorum of 138 members. However, in the middle of the session, poloffs observed that key players in the election law negotiations left the room, presumably to discuss terms of an amendment that many expect to be presented in tomorrow's session. Those that left the COR included the chairman and deputy of the Legal Committee, the head of the Da'wa bloc and the head of ISCI. After a pause, Speaker Ayad al-Samarra'i also left the room to join the discussion.

¶3. (C) Technical advisors from the Embassy's Constitutional and Legislative Affairs (CLA) office advised that the Legal Committee was meeting during the day to compile amendments to the 2005 election law recently proposed by members of the COR. CLA reports that the Legal Committee is working toward a draft amendment that is expected to include a series of options that MP's must select, such as open list versus closed list system.

¶4. (C) Later on October 18, Legal Committee member Abd al-Latif confirmed that a "final" version of the election law amendment will not be ready until the morning of October 19. Latif predicted to poloff that a vote on the law will occur on October 19, and that the amendment will include both an increase in COR seats from 275 to 311 and a provision for an open list system. Latif shared that he thinks there will be no amendment on Kirkuk, because Kirkuki MPs from the Kurdish, Arab and Turkomen communities reached an informal power-sharing agreement to divide Kirkuk's COR representation to give 7 seats to the Kurds, 4 to Sunni Arabs and 3 to Turkomen.

¶5. (C) UNAMI SRSG Ad Melkert advised POL M/C that he had heard of the same approach, but worried that Kurds might object if such a formula were formally included in any amendment. Emboffs separately confirmed with Kurdish Alliance List bloc leader Fuad Ma'asum (who had spoken with KRG President Barzani on the subject) that the Kurds indeed

remain opposed to any solution that specifically mentions Kirkuk in the law.

#### Kirkuk Arrangement in Question

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¶16. (C) On October 18, Turkoman MP Muhammad al-Bayati (ISCI) told poloffs that voting rules for Kirkuk province remain unresolved. He complained the Kurds are insisting on only one option -- that the election law omit mention of Kirkuk and use the 2009 voter registration list. Bayati described two proposals that have been presented. The Arab-Turkoman proposal is to create a committee to cross-check the voting records of Iraqis who have moved to Kirkuk since 2003. Bayati said this new committee would take decisions based on majority rule, not consensus. A second proposal supported by members of the Shia-dominated Iraqi National Alliance (INA), Qmembers of the Shia-dominated Iraqi National Alliance (INA), calls for using statistics from the 2003 food ration card system as a basis for estimating population in each province. Under this scheme, each province would be allowed to accept additional voters up to a 2.6% population increase per year. (NOTE: Bayati said this 2.6% figure is an international standard of population growth. END NOTE.)

¶17. (C) In meetings with the Sunni Tawafuq Bloc/Iraqi Islamic Party (IIP), poloff was told that a vote on the election law would take place no later than October 19. MP Rachid al-Azawi, who was briefly joined by Selim Jeboori and Thafer al-Ani, said that the only challenge that remains is Kirkuk, and that several options for setting voting rules in that province would be presented for a vote during the October 19 COR session. Tawafuq leaders predict that the law will call

BAGHDAD 00002797 002 OF 002

for an open list system and multiple voting districts. On the separate issue of coalition-building, the MPs added that Tawafuq is open to merging with other parties to form a "super Sunni" coalition and that they continue to hold meetings to achieve this result.

¶18. (C) MP Sheikh Adnan Aldanboss of Iraqiyya, part of Ayad Allawi's Iraqi National List, told poloff October 18 that the election law needs to be approved this week; Iraqiyya's primary concern is passing the law, regardless of its terms. Aldanboss added that Iraqiyya supports an open list, multi-district election, even though the party believes this system will disadvantage them because their tribal members are scattered throughout many provinces.

¶19. (C) Sunni MPs from the National Dialogue Front warned poloff that Kirkuk is the key obstacle to the election law. Mohamed al-Tamimi, Nada Ibrahim and Oman Jabouri explained that they have put forward their proposal and now "everything depends on the Kurds." The National Dialogue front proposed creating a committee made up of COR and Kirkuk PC reps to vet candidates from Kirkuk to ensure they are supported by the base they claim to represent (i.e. Arab, Turkomen or Kurds). They also want to establish a committee that will review the eligibility of voters registered in Kirkuk.

#### IHEC: No News Does Not Mean Good News

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¶10. (C) Though the question of a vote of no confidence in IHEC has not been raised in the COR since October 5, many contacts insist that this issue could yet return to the COR's agenda. ISCI bloc leader Jalal al-Din al-Saghi told A/DCM October 17 that he will pursue the removal of at least four IHEC commissioners because of alleged electoral fraud during the provincial elections and IHEC's unsatisfactory performance (septel). Tawafuq leaders said that a possible vote of no confidence in IHEC would not create a big problem; they explained that alternate commissioners could fill in if 2-3 IHEC commissioners are impeached. Tawafuq will not let all of the IHEC commissioners be removed. In contrast,

National Dialogue Front leaders told poloff that now is not the right time to change IHEC commissioners though they do support a COR oversight committee.

#### Next Steps

¶11. (C) All eyes will be on the COR October 19, and specifically the Legal Committee, to see if a quorum of parliamentarians can come to agreement on the complex issues that have delayed prompt passage of an election law. While we see a good chance that the majority of COR members will vote for open list elections in multiple districts, there is more uncertainty about where the COR will end up in its consideration of the Kirkuk issue. CDA and POL M/C are scheduled to meet with Speaker Ayad al-Samarra'i before the October 19 COR session begins to assess whether he can make good on his promise to deliver a successful vote at this critical juncture.

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